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21 UNITED STATES DISTRICT COURT  
22 NORTHERN DISTRICT OF CALIFORNIA  
23 SAN FRANCISCO DIVISION

24 JAMES ARMSTRONG, et al., ) Case No. C04-1536 VRW  
25 v. ) Plaintiffs, ) (Case No. C01-2611 VRW)  
26 CITY AND COUNTY OF SAN FRANCISCO ) ) STIPULATION; ORDER THEREON  
27 and DOES 1-50, inclusive ) )  
28 CONNIE L. BROWN ) ) Defendants.  
29 v. ) )  
30 CITY AND COUNTY OF SAN ) )  
31 FRANCISCO, et al. ) )  
32 Defendants. ) )

1       The parties have previously requested continuances due to plaintiff Connie L. Brown's need  
2 for neurosurgery, on two separate occasions - two separate surgeries, and Plaintiff Connie Brown's  
3 recovery postoperatively is progressing. The two neurosurgeries to remove tumors have been  
4 successful and Ms. Brown's recovery is almost complete. However, the schedule for follow-up  
5 treatment plan required for Ms. Brown's complete recovery that was presented to the Court was  
6 delayed for approximately three months and should be completed by the end of September 2006.  
7 Concomitant with the delay in implementation of Ms. Brown's final round of follow-up treatment,  
8 counsel for City and County of San Francisco, Jill Sprague, has retired. Ms. Sprague has been the  
9 attorney handling this case since its inception, except for a brief period while she was on maternity  
10 leave. Terrence Howzell is now the attorney for the City and County of San Francisco.

11       Due to the nature and complexity of this case, the need for Ms. Brown's complete and  
12 undivided attention to assist in her case, and the fact there are no other attorneys in defense counsel's  
13 office who are sufficiently familiar with either the *Armstrong* action [C01-2611 VRW] or the *Brown*  
14 action [C04-1536 VRW] to prepare, take and complete depositions the parties jointly respectfully  
15 request one final continuance. Because of the similarity of facts, witnesses, and legal issues in the  
16 *Armstrong* action [C01-2611 VRW] and the *Brown* action [C04-1536 VRW], the discovery is  
17 overlapping, and, at the Joint Case Management Conference, before the Honorable Vaughn R.  
18 Walker, the parties had agreed to utilize the same discovery for both cases.

19       **IT IS HEREBY STIPULATED** by and between the parties hereto, through their  
20 respective counsel as undersigned, that :

- 21       1.       Non-expert discovery completion date be continued from the currently scheduled  
22 date of September 19, 2006 to February 19, 2007;
- 23       2.       Filing for dispositive motions, including summary judgment, be continued from  
24 the currently scheduled date of September 19, 2006 to February 19, 2007;
- 25       3.       Hearing on the dispositive motions, including summary judgment, be continued  
26 from the currently scheduled date of October 26, 2006, at 2:00 p.m. to March 26, 2007, at 2:00  
27 p.m.;
- 28       4.       Expert discovery disclosure reports be continued from the currently scheduled

1 date of October 13, 2006 to March 13, 2007;

2 5. Expert discovery rebuttal completion date be continued from the currently  
3 scheduled date of November 13, 2006 to April 13, 2007;

4 6. Completion of expert discovery be continued from the currently scheduled date of  
5 December 11, 2006 to May 11, 2007; and

6 7. Pre-trial conference be continued from the currently scheduled date of December  
7 June 5  
29, 2006 to ~~May 30, 2007~~ at 9:00 a.m.

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10 Dated: July 5, 2006

ANDERLINI, FINKELSTEIN, EMERICK & SMOOT

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By:   
PAUL J. SMOOT  
Attorneys for Plaintiff

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Dated: 7/6/06

SAN FRANCISCO CITY ATTORNEY'S OFFICE

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By:   
TERENCE HOWZELL  
Attorneys for Defendant CITY AND COUNTY OF  
SAN FRANCISCO and DEPARTMENT OF  
PUBLIC WORKS

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I hereby attest that I have on file all holograph signatures for any signatures indicated by a  
"conformed" signature (/S/) within this e-filed document.

ORDER



JUDGE OF THE U.S. DISTRICT COURT

Dated: 7/13/06